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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,552

03/29/2004

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11/15/2007

EXAMINER

TAYLOR, JOSHUA D

ART UNIT

PAPER NUMBER

4157

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,552	<b>Applicant(s)</b> ATAD ET AL.	
	<b>Examiner</b> Josh Taylor	<b>Art Unit</b> 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

2. Claims (1, 4-9, 12-15) rejected under 35 U.S.C. 102(e) as being anticipated by Reisman, US 2004/0031058 A1.

Regarding claim 1, Reisman discloses as claimed:

A wide area network for bi-directional transmission between a plurality of user nodes and a central source node, at least some of the user nodes comprising rooftop video broadcast receiving installations modified with a terrestrial bi-directional antenna and network transmission support electronics (paragraph [0150] lines 6-14, fig. 1).

Regarding claim 4:

The wide area network of claim 1, wherein said rooftop video broadcast receiving installations are satellite receiving installations (paragraph [0090], lines 1-10).

Regarding claim 5:

The wide area network of claim 1, wherein said rooftop video broadcast receiving installations are terrestrial broadcast receiving installations (paragraph [0090], lines 1-10).

Regarding claim 6:

A wide area network system, comprising: a central source node, a plurality of base nodes connected via cable infrastructure to said central node, and a plurality of user nodes, at least some of the user nodes comprising rooftop video broadcast receiving installations modified with a terrestrial bi-directional antenna and network transmission support electronics (paragraphs [0090], [0150]).

Regarding claim 7:

The wide area network system of claim 6, wherein the cable infrastructure is hybrid fiber coax (HFC) infrastructure (paragraph [0085], line 6).

Regarding claim 8:

The wide area network system of claim 6, wherein a wide area network transmission standard is used over said cable infrastructure (paragraph [0087]).

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Regarding claim 9:

The wide area network system of claim 8; where said transmission standard is at least one of IEEE 802.16 standard or the IEEE 802.20 standard (paragraph [0085], lines 19-20).

Regarding claim 12:

The wide area network system of claim 6, wherein said rooftop video broadcast receiving installations are satellite receiving installations (paragraph [0090], lines 1-10).

Regarding claim 13:

The wide area network system of claim 6, wherein said rooftop video broadcast receiving installations are terrestrial broadcast receiving installations (paragraph [0090], lines 1-10).

Regarding claim 14:

A hybrid cable and wireless bidirectional transmission network comprising a wireless network part and a cable part and wherein a wide area network transmission standard is used over both said wireless network part and said cable part (paragraphs [0085]-[0087]).

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Regarding claim 15:

The hybrid cable and wireless bidirectional transmission network of claim 14, wherein said transmission standard is at least one of IEEE 802.16 standard or the IEEE 802.20 standard (paragraph [0085], lines 19-20).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

4. Claims (2-3, 10-11) rejected under 35 U.S.C. 103(e) as being unpatentable over Reisman in view of Kalika et al, US 20070054670.

Regarding claim 2:

The wide area network of claim 1, wherein at least some of said user nodes comprise support for hotspot functionality, thereby to allow mobile

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communication devices to access said wide area network system.

Reisman does not teach of nodes comprising support for hotspot functionality. In an analogous art, Kalika teaches of nodes comprising support for hotspot functionality (paragraph [0092], lines 1-6).

Therefore, it would have been obvious to one with ordinary skill in the art to modify Reisman to include hotspot, as taught by Kalika, for the benefit of user knowing the areas of hotspot where user LAN and WAN would be active.

Regarding claim 3:

The wide area network of claim 2, Reisman teaches the wide area network of claim 2 wherein said support for hotspot functionality substantially comprises standard IEEE 802.11 (paragraph [0115], lines 11-17).

Regarding claim 10:

The wide area network system of claim 6, wherein at least some of said user nodes comprise support for hotspot functionality, thereby to allow mobile communication devices to access said wide area network system is rejected on the same grounds as Claim 2.

Regarding claim 11:

The wide area network system of claim 10, wherein said support for hotspot

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functionality substantially conforms to IEEE standard 802.11 is rejected on the same grounds as Claim 3.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

List prior art cited for the record but not used in Office Action, including a short description (cite a couple of sentences from the abstract of reference)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josh Taylor whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Josh Taylor

  
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SUPERVISORY PATENT EXAMINER